

**REMARKS/DISCUSSION OF ISSUES**

Claims 1-8, 10-16, 18-21, and 24-27 are pending in the application.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

**STATEMENT OF SUBSTANCE OF TELEPHONE VOICEMAIL EXCHANGES**

In an attempt to advance the prosecution of this application, the undersigned attorney repeatedly attempted to contact the Examiner and her supervisor, Supervisory Patent Examiner (SPE) Etienne, by telephone over a period of several days to try to get a clarification of the reasoning behind the Examiner's rejections.

On Thanksgiving Eve, 25 November 2009, after 9 PM, the Examiner called the undersigned attorney's office number and left a voicemail message indicating that she believed that her Office Action was perfectly clear and that she did not want to explain her reasoning to the undersigned attorney, and that he should instead file a Response to the Final Office Action.

**35 U.S.C. § 102**

The Office Action rejects claims 1-8, 10-16, 18-22 and 24-27 under 35 U.S.C. § 102 over McDonnell et al. U.S. Patent Application Publication 2001/0028313 ("McDonnell").

Applicants respectfully traverse those rejections for at least the following reasons.

**Claim 10**

Among other things, the method of claim 10 includes providing to one or more distributed devices a set of configuration data that configures the one or more distributed devices for performing a measurement/control function; and diffusing the provided configuration data among the distributed devices.

Applicants respectfully submit that McDonnell does not disclose any method including this combination of features.

The Office Action states that paragraphs [0057]-[0058], [0062] and [0068] of

McDonnell disclose these features.

Applicants previously indicated in the Amendment filed on 27 July 2009 that they believed that the cited text in paragraphs [0057]-[0058], [0062] and [0068] did not disclose these features.

In the “*Response to Arguments*” section of the Office Action, the Examiner now cites [0064]-[0067] and [0070] as disclosing these features, but makes no mention of the previously-cited paragraphs [0057]-[0058], [0062] and [0068].

As best as Applicants can understand the “*Response to Arguments*” section of the Office Action, it appears that the Examiner believes: that the cell phone 70 and the measurement unit 71 each correspond to one of the distributed devices of claim 10; that the data collected by measurement unit 71 (such as telemetry data) corresponds to the configuration data of claim 10; and that such “configuration data” is “diffused” when the measurement unit 71 transfers the telemetry data to the cell phone 70 (see Office Action at page 8, lines 2-6).

Applicants respectfully disagree.

At the outset, as plainly recited in claim 10, the configuration data “*configures the one or more distributed devices for performing a measurement/control function.*” This is consistent with the teachings of the specification that configuration data “*may specify a geographic location, a time, and/or other parameters for performing a measurement and/or control function*” (page 1, lines 13-16). In contrast, Applicants respectfully submit that the data collected by measurement unit 71, such as telemetry data, does not “**configure one or more distributed devices** for performing a measurement/control function.”

Therefore Applicants respectfully submit that the data collected by measurement unit 71 does not correspond to the configuration data recited in claim 10.

Indeed, Applicant respectfully submits that McDonnell does not disclose any data which both: (1) configures a distributed device for performing a measurement/control function; and (2) is diffused among a set of distributed devices.

Therefore, Applicants respectfully submit that claim 10 is patentable over

McDonnell. Accordingly, Applicants respectfully request that the rejection of claim 10 over McDonnell be withdrawn, and claim 10 be allowed.

Claims 11-16 and 25

Claims 11-16 and 25 depend from claim 10 and are deemed patentable for at least the reason set forth above with respect to claim 10, and for the following additional reasons.

Claim 11

Among other things, the method of claim 11 includes the step of obtaining the configuration data from an application server.

The Office Action states that this feature is disclosed by McDonnell in paragraph [0058].

Applicants respectfully disagree.

As noted above, the Office Action argues that the configuration data of claim 10 (and therefore the same configuration data in dependent claim 11) supposedly corresponds to the data (e.g., telemetry data) collected by measurement unit 71.

Applicants respectfully submit that nothing in paragraph [0058], or anywhere else in McDonnell, discloses that any application server provides such data (e.g., telemetry data) to measurement unit 71. Indeed, Applicants respectfully submit that McDonnell does not disclose that any configuration data that both: (1) configures a distributed device for performing a measurement/control function; and (2) is diffused among a set of distributed devices, is also (3) obtained by a distributed device from an application server.

Therefore, for at least these additional reasons, Applicants respectfully submit that claim 11 is patentable over McDonnell. Accordingly, Applicants respectfully request that the rejection of claim 11 over McDonnell be withdrawn, and claim 11 be allowed.

Claim 15

Among other things, the method of claim 15 includes forming a first communication channel between a first one of the distributed devices and a kiosk; communicating the configuration data from the first distributed device and the kiosk

via the first communication channel; forming a second communication channel between a second one of the distributed devices and the kiosk; and communicating the configuration data from the kiosk to the second distributed devices.

The Office Action states that these features are disclosed by McDonnell in paragraphs [0064]-[0066].

Applicants respectfully disagree. Applicants see no mention of any kiosk in paragraphs [0064]-[0066]. The Office Action does not identify anything in paragraphs [0064]-[0066] that supposedly corresponds to the recited kiosk, or the recited first and second communication channels for communicating configuration data.

Therefore, for at least these additional reasons, Applicants respectfully submit that claim 15 is patentable over McDonnell. Accordingly, Applicants respectfully request that the rejection of claim 15 over McDonnell be withdrawn, and claim 15 be allowed.

#### Claim 16

Applicants respectfully submit that McDonnell does not disclose in paragraphs [0068]-[0071] (or anywhere else) forming the first communication channel of claim 15 with a kiosk in response to a physical proximity between the first communication device and the kiosk.

Therefore, for at least these additional reasons, Applicants respectfully submit that claim 16 is patentable over McDonnell. Accordingly, Applicants respectfully request that the rejection of claim 16 over McDonnell be withdrawn, and claim 16 be allowed.

#### Claim 25

Among other things, the method of claim 25 includes determining a relative staleness of different sets of configuration data.

The Office Action cites paragraphs [0079] and [0081] of McDonnell discussing the timestamping of readings taken by a mobile entity.

Applicants respectfully submit that readings taken by a mobile entity are not configuration data that “*configures the one or more distributed devices for performing a measurement/control function*” as recited in claim 10 from which claim 25 depends.

Paragraph [0079] discloses that measurement data received at Validation Unit 49 (not configuration data stored in distributed device 20) has a timestamp that can be used by Validation Unit 49 to determine if the measurement data is valid. Meanwhile, paragraph [0081] merely provides examples of different types of measurement data that may be collected and applications that may use that data. It does not disclose any means for determining a relative staleness of a set of configuration data stored in a distributed device.

Measurement data is not configuration data as recited in claims 10 and 25, at least because measurement data does not “*configure the one or more distributed devices for performing a measurement/control function*” as recited claims 10 and 25.

Therefore, for at least these additional reasons, Applicants respectfully submit that claim 25 is patentable over McDonnell. Accordingly, Applicants respectfully request that the rejection of claim 25 over McDonnell be withdrawn, and claim 25 be allowed.

#### Claim 24

Among other things, the measurement/control system of claim 24 includes a set of distributed devices each having means for obtaining configuration data from a configuration data source and means for diffusing the configuration data among the distributed devices.

The Office Action fails to identify anything in McDonnell that supposedly corresponds to the recited configuration data source that provides configuration data that specifies a measurement/control function and which the devices include means for diffusing among the distributed devices. In that regard, Applicants note that telemetry data communicated between measurement device 71 and cell phone 70 is not obtained from a “configuration source” and also does not specify a measurement/control function.

Therefore, Applicants respectfully submit that claim 24 is patentable over McDonnell. Accordingly, Applicants respectfully request that the rejection of claim 24 over McDonnell be withdrawn, and claim 24 be allowed.

Claims 1-8

Claims 1-8 depend from claim 24 and are deemed patentable for at least the reasons as set forth above with respect to claim 24, and for the following additional reasons.

Claim 1

Among other things, in the system of claim 1, each distributed device includes means for determining a relative staleness of a set of configuration data stored in the distributed device.

For similar reasons to those set forth above with respect to claim 25, Applicants respectfully submit that McDonnell does not disclose any system including this combination of features.

Therefore, for at least these additional reasons, Applicants respectfully submit that claim 1 is patentable over McDonnell. Accordingly, Applicants respectfully request that the rejection of claim 1 over McDonnell be withdrawn, and claim 1 be allowed.

Claims 5 and 6

For similar reasons to those set forth above with respect to claims 15 and 16, Applicants respectfully submit that McDonnell does not disclose the features of claims 5 and 6.

Therefore, for at least these additional reasons, Applicants respectfully submit that claims 5 and 6 are patentable over McDonnell. Accordingly, Applicants respectfully request that the rejection of claims 5 and 6 over McDonnell be withdrawn, and claims 5 and 6 be allowed.

Claim 8

Among other things, in the system of claim 1, in each distributed device the means for diffusing includes means for determining a relative staleness of a set of configuration data stored in a kiosk and a set of configuration data stored in the distributed devices.

Again, the Office Action fails to identify anything in McDonnell as supposedly corresponding to the kiosk. Applicants see no mention of any kiosk in paragraphs

[0079] and [0081].

Therefore, for at least these additional reasons, Applicants respectfully submit that claim 8 is patentable over McDonnell. Accordingly, Applicants respectfully request that the rejection of claim 8 over McDonnell be withdrawn, and claim 8 be allowed.

#### Claim 18

Among other things, the device of claim 18 includes means for obtaining from a remotely-located configuration data source a set of configuration data that configures a second device, spaced apart from the first device, for performing a measurement/control function; and means for diffusing the configuration data from the first device to the second device.

For similar reasons to those set forth above with respect to claim 24, Applicants respectfully submit that McDonnell does not disclose any method including this combination of features.

Therefore, Applicants respectfully submit that claim 18 is patentable over McDonnell. Accordingly, Applicants respectfully request that the rejection of claim 18 over McDonnell be withdrawn, and claim 18 be allowed.

#### Claims 19-21 and 26-27

Claims 19-21 and 26-27 depend from claim 18 and are deemed patentable for at least the reason set forth above with respect to claim 18. Claim 21 is also deemed patentable for similar reasons to those set forth above with respect to claim 15, and claim 26 for similar reasons to those set forth above with respect to claim 25.

Therefore, for at least these additional reasons, Applicants respectfully submit that claims 19-21 and 26-27 are patentable over McDonnell. Accordingly, Applicants respectfully request that the rejection of claims 19-21 and 26-27 over McDonnell be withdrawn, and claims 19-21 and 26-27 be allowed.

### **CONCLUSION**

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-8, 10-16,

18-22 and 24-27 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

VOLENTINE & WHITT

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